
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1191 Session of
1985

INTRODUCED BY SAURMAN, J. L. WRIGHT, HERMAN, DISTLER, MORRIS,
E. Z. TAYLOR, AFFLERBACH, NAHILL, WOGAN, FOX, KUKOVICH,
SEMMELE, DORR, BUSH AND HAGARTY, MAY 13, 1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 13, 1985

AN ACT

1 Requiring health care insurers to offer a program for a second
2 medical opinion before certain surgical procedures.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Legislative findings and intent.

6 (a) Findings.--The General Assembly finds that the cost of
7 health care in Pennsylvania has increased at a
8 disproportionately rapid rate and that this rapid increase poses
9 a serious threat to the efficient delivery of quality health
10 care in this Commonwealth. It further finds that unnecessary
11 surgical procedures sometimes can be avoided when two medical
12 opinions regarding need are obtained by the patient. This, in
13 turn, can aid in the reduction of the cost of health care.

14 (b) Intent.--It is the intent of the General Assembly, in an
15 effort to contain the cost of health care, to require health
16 care insurers to offer a program for a second medical opinion
17 before certain surgical procedures.

1 Section 2. Definitions.

2 The following words and phrases when used in this act shall
3 have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Insurance Commissioner." The Insurance Commissioner of the
6 Commonwealth.

7 "Second medical opinion." An opinion regarding the need for
8 certain surgical procedures issued by a physician licensed to
9 practice medicine in this Commonwealth who is independent of the
10 physician issuing the first opinion regarding the need for the
11 same surgical procedures.

12 "Secretary of Health." The Secretary of Health of the
13 Commonwealth.

14 Section 3. Policy coverage.

15 (a) Application to insurers.--This act shall apply to every
16 contract or certificate issued under a group or individual
17 policy of health, sickness or accident insurance delivered or
18 issued for delivery within this Commonwealth, including, but not
19 limited to, policies, contracts or certificates issued by:

20 (1) Any stock insurance company incorporated for any of
21 the purposes set forth in section 202(c) of the act of May
22 17, 1921 (P.L.682, No.284), known as The Insurance Company
23 Law of 1921.

24 (2) Any mutual insurance company incorporated for any of
25 the purposes set forth in section 202(d) of The Insurance
26 Company Law of 1921.

27 (3) Any professional health services plan corporation as
28 defined in 40 Pa.C.S. Ch. 63 (relating to professional health
29 services plan corporations).

30 (4) Any fraternal benefit society as defined in 40

Pa.C.S. Ch. 63.

(5) Any health maintenance organization as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(6) Any person who sells or issues contracts or certificates of insurance which meet the requirements of this act.

(7) Any hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(b) Application to policies.--This act shall apply to all policies, contracts, certificates and master agreements, regardless of site of issuance or program issued, renewed, modified, altered, amended or reissued on or after the effective date of this act.

(c) Application to programs.--This act shall apply to all private programs for health services and facilities reimbursement, excluding reimbursement programs operated by the Commonwealth.

Section 4. Second medical opinion provision.

All health care insurers mentioned in section 3 shall offer, on an optional basis, as part of their coverage, a provision that a reimbursed second medical opinion be obtained before reimbursement will be made for certain surgical procedures.

Section 5. Surgical procedures.

All health care insurers mentioned in section 3 shall, subject to the joint approval of the commissioner and the secretary, determine those surgical procedures for which a second medical opinion is required.

Section 6. Rules and regulations.

The commissioner shall promulgate rules and regulations

1 necessary for the effective implementation and operation of this
2 act.

3 Section 7. Effective date.

4 This act shall take effect in 90 days.